

1 KEVIN V. RYAN (CSBN 118321)  
United States Attorney

2 EUMI L. CHOI (WVBN 0722)  
3 Chief, Criminal Division

4 STEPHEN G. CORRIGAN (MASB 100560)  
DANA WAGNER (CASBN 209099)  
5 Assistant United States Attorneys

6 1301 Clay Street, Suite 340S  
Oakland, California 94612  
7 Telephone: (510) 637-3701  
8 Fax: (510) 637-3724

9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 OAKLAND DIVISION  
13

14 UNITED STATES OF AMERICA,	)	No. CR 05-00334 SBA
	)	
15 Plaintiff,	)	UNITED STATES' WITNESS LIST
	)	
16 v.	)	Date: May 22, 2006
	)	Time: 8:30 a.m.
17 LAL BHATIA, et al.,	)	Place: Courtroom #3
	)	
18 Defendants.	)	
	)	

19  
20 The United States hereby files a list of witnesses it anticipates calling during its case-in-chief.  
21 The United States requests leave of the Court to revise this list as it becomes necessary or  
22 appropriate.  
23

24 RALPH F. ABERCIA, President and Chairman, Inderra Houston

25 Mr. Abercia will testify that he applied for a loan of \$105 million from the defendants to  
26 finance the construction of an aquarium/entertainment complex in Houston, Texas. Mr Abercia  
27 will testify that he paid \$1,575,000 to Wolfe and Turner in advance fees for the loan, but the loan  
28

United States' Witness list  
CR 05-00334 SBA

1 was never funded and his fees were never repaid. Mr. Abercia will testify to false oral and  
2 written representations made by the defendants before and after the payment of \$1,575,000, and  
3 the events of November 10, 2003 in Las Vegas, Nevada when defendant Bhatia introduced him  
4 and other representatives from Inderra Houston to defendant Mody as Bhatia's assistant,  
5 defendant Berger as Sir Richard Benson of Sherwin and Noble, and defendant Shelton as Dr.  
6 Adrian Michaels.

7 RALPH ABERCIA, Father of Ralph F. Abercia

8 Mr. Abercia will testify as to false representations made to him and his son, Ralph F.  
9 Abercia, by defendants regarding the funding of their \$105 million project.

10 MELISSA ARECHIGA, General Manager, Lakeside Business Suites, Las Vegas, Nevada

11 Ms. Arechiga will testify that Wolfe and Turner contracted for telephone receptionist and  
12 mail receiving services at Lakeside Business Suites in Las Vegas. She will further testify that  
13 FedEx packages addressed to the attention of Wolfe & Turner delivered to Lakeside Business  
14 Suites were picked up by a person she knew as Adrian Michaels.

15 BANK OF AMERICA, Custodian of Records

16 A custodian of records will testify that Bank of America issued a debit card to Marzban  
17 Mody in the name of Wolfe & Turner Investments Inc. and Bank of America maintained  
18 checking accounts in the name of Wolfe and Turner.

19 JEAN BATMAN, Attorney, Duane Morris

20 Ms. Batman will testify that she is an attorney and former employee of the law firm of Duane  
21 Morris in San Francisco, California. Ms. Batman will testify that her firm was retained by Wolfe  
22 and Turner to prepare loan documents in which Sherwin & Noble was named as the lender for  
23 prospective borrowers Inderra Houston and Carlton Orlando.

24 BELLAGIO HOTEL, Custodian of Records

25 A custodian of records for the Bellagio Hotel in Las Vegas will testify that their records  
26 reflect that three rooms were reserved at the Bellagio under the name of Marzban Mody with an  
27 arrival date of November 9, 2003, and departure dates of November 10 and 11, 2003.

1 JOSEPH CAMILLUCCI, Special Agent, IRS

2 IRS Special Agent Joseph Camillucci will testify to his analysis of Wolfe and Turner bank  
3 accounts in relation to the money laundering charges.

4 ERIC RAMONE CIFRE, Principal, Cypress Capital

5 Mr. Cifre will testify he is a principal in Cypress Capital, an advisory firm specializing in real  
6 estate. He will further testify he approached Gerry Florent for funding of the Inderra Houston  
7 project on behalf of Ralph Abercia. Mr. Cifre will also testify about representations made by  
8 defendants Bhatia and Berger, posing as Sir Richard Benson, at the Las Vegas meetings. Cifre  
9 will testify he identified defendant Benson as Sir Richard Benson and defendant Shelton as Dr.  
10 Adrian Michaels.

11 CITIBANK, Custodian of Records

12 A Custodian of Records from Citibank will testify that Marzban Mody was issued a Citibank  
13 credit card.

14 GERRY FLORENT, Principal, Carlton Orlando and Broker, Inderra Houston

15 Mr. Florent will testify that he submitted loan requests to Wolfe and Turner for the funding  
16 of a convention hotel in Orlando, Florida as well as an aquarium complex in Houston, Texas.  
17 Florent will testify that he attended meetings in Las Vegas, Nevada, where both loan requests  
18 were discussed with defendant Bhatia and the purported financier for both projects, Sir Richard  
19 Benson, of Sherwin & Noble. Regarding the Orlando, Florida loan request, Florent will testify  
20 he arranged for payment of an advance fee of \$412,250 to Wolfe and Turner as required by the  
21 Letter of Commitment issued by Wolfe and Turner. Mr. Florent will further testify that neither  
22 loan request was funded nor were fees returned.

23 ROBERT HAUSER, Representative from Society for Worldwide Interbank Financial  
24 Telecommunication (SWIFT)

25 Mr. Hauser will testify that the document shown by the defendants to the prospective  
26 investors at the November 10, 2003 meetings with prospective investors identified as an MT-  
27 103, was a false document.

MARZBAN MODY, Defendant

Marzban Mody will testify that he pled guilty under the terms of a cooperation agreement. Mr. Mody will explain the overall scheme to defraud and the roles played by himself and the other defendants.

KAREN MUTH, Vice President, Bank of America

Ms. Muth will testify that the business Wolfe and Turner established an account at the Capital office of Bank of America located in Sacramento, California. She will further testify that all wire transfers for Northern California process through the wire transfer unit of Bank of America located in Concord, California and that checks drawn on accounts held at Northern California branches are processed at Bank of America's processing center located in San Francisco, California.

POSTAL ANNEX, Walnut Creek, California

A Custodian of Records will testify that Marzban Mody rented mail boxes in Walnut Creek, California in the name of Wolfe & Turner Investments Inc. and one in the name of Marzban Mody.

POSTNET, Mail Receiving Service Center, Henderson, Nevada

A Postnet custodian of records will testify that Postnet is located at 1000 N. Green Valley Parkway, #300, Henderson, Nevada, and that box 136 was assigned to Steve Shelton of the Honberg Group.

DONALD SEE, Computer Forensics, Federal Bureau of Investigation

Mr. See will testify that he has been employed by the Federal Bureau of Investigation for the past twenty-two years and has been a computer forensic examiner for the past eight years. He will testify about his forensic imaging and examination of digital media belonging to defendants Lal Bhatia and Marzban Mody.

SOUTHWEST AIRLINES, Custodian of Records

A custodian of records for Southwest Airlines will testify that Southwest Airlines records reflect that passengers Marzban Mody, Lal Bhatia and Henri Berger flew to Las Vegas on November 9, 2003 and that passenger Henri Berger left Las Vegas on the evening of November

1 10, 2003, and passengers Bhatia and Mody departed Las Vegas on November 11, 2003.

2 STIRLING CLUB, Custodian of Records

3 A custodian of records for the Stirling Club will testify that records of the Stirling Club  
4 reflect that Lal Bhatia was a member of the Stirling Club and held two meetings at the Club on  
5 November 10, 2003, booked under the group name of Wolfe & Turner.

6 JAMES TATONETTI, Former employee of Wolfe and Turner

7 Mr. Tatonetti will testify that he is not the "authorized signatory" for Wolfe and Turner, and  
8 did he sign any loan documents. Mr. Tatonetti will further testify that the Letters of  
9 Commitment, Loan Term Sheets, Escrow Agreements, and other such documents bearing what  
10 appears to be his signature, were not signed by him.

11 STEPHEN TIEMANN, Attorney

12 Mr. Tiemann will testify that he is an attorney who represented the business Inderra Houston  
13 in their efforts to obtain a loan from Wolfe and Turner. He will further testify that he was  
14 present during the meeting at the Stirling Club in Las Vegas on November 10, 2003.

15 MARC WATSON, President, Universal City Property Management/Representative for Stanley  
16 Thomas. Watson will testify that he was present on November 10, 2003, in Las Vegas in the  
17 meeting between the four defendants and Gerry Florent. Mr. Watson will testify that based upon  
18 the representations made by the defendants, the escrow agent for Carlton Orlando released  
19 \$412,250 in advance fees.

20 JEFFREY WEINBERGER, Attorney for Cypress Capital

21 Mr. Weinberger will testify that he was general counsel for Cypress Capital and was present  
22 at the November 10, 2003 Las Vegas meeting between Ralph Abercia, Jr. and Ralph Abercia, Sr.,  
23 and the four defendants. Mr. Weinberger will testify as to representations made by the  
24 defendants during the meeting.

25 WENDY YURGO, Attorney

26 Ms. Yurgo will testify she is an attorney who was employed by defendant Lal Bhatia to  
27 review loan packages. She will further testify she attended the November 10, 2003 meetings in  
28 Las Vegas where the principals of Carlton Orlando and Inderra Houston met with all four

1 defendants.

2  
3 DATED: April 25, 2006

Respectfully submitted,

4 KEVIN V. RYAN

5 United States Attorney

6  
7 /s/  
8 STEPHEN G. CORRIGAN  
9 DANA R. WAGNER  
Assistant United States Attorneys